

Remarks/Arguments

Applicant has amended independent Claims 1 and 4, and dependent claims 2,3,5-8, and 11-13, cancelled dependent claims 9 and 10 and added new dependent claims 15 and 16. In light of these amendments and the reasons provided below, Applicant believes the amended claims are distinguishable over the prior art.

In paragraph 2 of the Office Action, Claims 1-14 are rejected under 35 U.S.C. §102(b), as being anticipated by International Patent Publication EP 0631717A1 to Roberg (hereinafter “Roberg”). The Examiner states that Rogerg discloses: a chopper that receives material, a supporting structure, threshing and separating assembly, and cleaning assembly.

Applicant respectfully traverses the rejection of Claims 1-14 as amended as being clearly distinguishable from and patentable over the cited Roberg reference as explained below. The Examiner indicates in his drawing that Roberg discloses an oscillating bottom of the housing. However, Applicant would respectfully show that Roberg does not disclose an oscillating bottom of the housing, but discloses an oscillating section of floor between the cleaning shoe and the straw chopper housing. [Roberg, col 5, lines 32 - 35 discloses a feed-in floor (39) that is located between the cleaning shoe (37) and straw chopper (3) and is suspended on pendulum rods (38), movable in the forward direction, the floor (39) taking up the chaff from the cleaning shoe (37) and introducing it into the chopper (3)] .

While the present invention discloses such a mechanism, i.e. the oscillating bottom 84, operative by means of an oscillating rocker 88, coupled to the cleaning shoe 34 (see Application, para 31-6), the present invention also discloses and claims an additional element, an oscillating bottom housing (94) of the straw chopper (70) connected to an additional oscillating rocker. Roberg does not disclose or suggest such additional elements, and therefore does not anticipate the invention of the present application. Roberg has only the oscillating feed-in floor coupled to a single oscillating mechanism. As can be clearly seen in Fig. 9 of Roberg, the feed-in floor of Roberg ends at the end of the feed-in device, and does not extend into the straw chopper housing. Indeed, Roberg does not have a any kind of floor in the straw chopper housing, as the straw chopper housing of Roberg has a transfer hopper (5) located below the straw chopper, the transfer hopper feeding straw/chaff into a

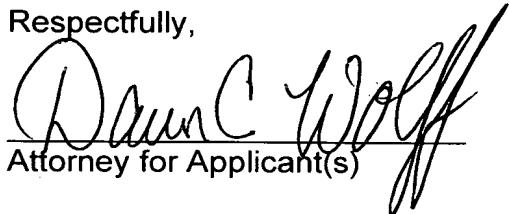
casting blower at the bottom of the transfer hopper.

Claims 1 and 4 of the present Application, as amended, clearly indicate the present invention has a straw chopper with an oscillating housing bottom. Additionally, Claim 4, as amended, also clearly indicates that the oscillating housing bottom accepts crop material from an oscillating floor bottom. Therefore, independent Claims 1 and 4 of the present invention are not anticipated by Roberg. Claims 2, 3, 5-8 and 11-16 depend from independent Claims 1 or 4 and are also therefore allowable.

In conclusion, in light of the claim amendments made herein, and the explanations provided above, it is respectfully requested that the rejection of Claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Roberg be reconsidered and withdrawn, as the claims as amended are clearly distinguishable from and are patentable over the cited art. Applicant has now made an earnest attempt to place this application in condition for allowance, and such allowance is respectfully requested. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 1-8 and 11-16 so that the application may be passed to issue.

A Request for Continued Examination accompanies this Amendment. Any fees or charges due as a result of filing of the present paper, including the cost for Continued Examination, may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



Dawn C. Wolff

Attorney for Applicant(s)

Dawn C. Wolff
Reg. No. 48,695
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-4325

Enclosures:

RCE
Postcard